IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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THURSDAY, THE NINTH DAY OF MARCH

TWO THOUSAND AND SIX

P R E S E N T

THE HON'BLE SRI JUSTICE V.ESWARAIAH

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WP.Nos.4588, 4589, 4590, 4596 OF 2006

WP.No.4588 of 2006

Between:

M/s. Central Granites … Petitioner

Versus

The Government of Andhra Pradesh

Represented by its Secretary, Industries & Commerce (Mines-II)

Department, Hyderabad & Ors. … Respondents

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WP.No. 4589 OF 2006

Between:

K.Venkataramana … Petitioner

Versus

The Government of Andhra Pradesh

Represented by its Secretary, Industries & Commerce (Mines-II)

Department, Hyderabad & Ors … Respondents

WP.No.4590 of 2006

Between:

M/s. Siva Stones … Petitioner

V/s.

The Government of Andhra Pradesh

Represented by its Secretary, Industries & Commerce (Mines-II)

Department, Hyderabad & Ors. … Respondents

WP.No.4596 of 2006

Between :

M/s. Harshili Stones … Petitioner

V/s.

The Government of Andhra Pradesh

Represented by its Secretary, Industries & Commerce (Mines-II)

Department, Hyderabad & Ors. … Respondents

Counsel for the Petitioners: Smt. N.Shoba

Counsel for the Respondents: GP for Industries & Commerce

GP for SW

COMMON ORDER:

As common question of facts and law are involved in these writ petitions, they were heard together and are being disposed of by this common order.

In all these writ petitions, the petitioners question the action of the Government in canceling the quarry lease granted in their favour vide Memo.No.12682/M.II (1)/2005-13, dated 14-11-2005.

On perusal of the said order of the Government dated 14-11-2005 goes to show that the petitioners have been granted lease for black granite in survey no.407 to an extent of Acs:5-00, survey no.382/2-P and 406 to an extent of Acs:12-44, survey no.407/P to an extent of 1.924 Hectares and survey nos.383/3P, 383/4P, 383/5P and 383/6 to an extent of Acs:5-88 respectively of Devarapalem village of Chimkaurthy Mandal, Prakasam district for a period of 15 years by the Director of Mines and Geology, Hyderabad, vide Proceedings No.13271/R3(2)/97 dated 28-2-1998 and various other proceedings of the Director of Mines and Geology, submitting proposals to the government for cancellation of the said leases on the ground of public interest that the quarry lease area falling in the proposed area of Sri Ramatheertham Balancing Reservoir on Ongole Chimakurthy Mandal, Prakasam district for the purpose of drinking/irrigation water supply schemes to the Ongole town and nearby villages as well and issued water for Nagarjunasagar to irrigate surrounding area of Chimakurthy and requires premature termination/cancellation in public interest, as the drinking/irrigation water supply schemes are priority sectors and take procedure over mining sector. The Irrigation Department also requested for cancellation of the said quarry lease. Accordingly, the Government issued show cause notice and after examining the matter cancelled all the leases by the

impugned memo dated 14-1-2005.

In so far as the cancellation of leases are concerned, the Division Bench of this court in WP.No.14343 of 2005 dated 15-10-2005 held that the writ petitions filed by various lessees who approached this court questioning show cause notice issued for cancellation of the leases, that were already dismissed and public interest litigation filed by certain persons, the Division Bench of this Court came to the conclusion that the action of the respondents in constructing Sri Ramatheertham Reservoir across the Ongole Barrage at Chimakurthy, Prakasam district was also dismissed.

Therefore, I am of the opinion that the petitioners having filed earlier writ petitions questioning the show cause notice against the proposed action of cancellation of quarry lease was considered and dismissed, and therefore, now the petitioners cannot question the impugned memorandum, as already this court considered and upheld the action of the Government in canceling the leases.

The learned counsel for the petitioners submit that they have invested huge amounts pursuant to the granite leases, and therefore, they made representations before the respondents 1 and 2 on 08-2-2006 seeking to allot compensatory land at the earliest possible time. It is stated that assurance was also given on the floor of the Assembly stating that the Government has set up relief and rehabilitation packages for the people, who have lost every thing for the sake of larger interest and the petitioners are entitled to the benefit of the same.

Having regard to the facts and circumstances of the case, I am not inclined to

express any opinion on the merits of these writ petitions, as the representations filed by the petitioners dated 08-2-2006 are pending before the first and second respondents, I consider it appropriate to direct the respondents 1 and 2 to consider the representations filed by the petitioners and pass appropriate orders on merits and in accordance with law, within eight weeks from the date of receipt of a copy of this order.

With the above direction, the writ petitions are accordingly disposed of. No costs.

MARCH 09th, 2006. ----------

I s L. **V. ESWARAIAH , J**.

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